

1 State of Arkansas
2 93rd General Assembly
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4

A Bill

SENATE BILL 177

5 By: Senator A. Clark
6

For An Act To Be Entitled

8 AN ACT CONCERNING UNLAWFUL IMPAIRMENT OF OR
9 DISRUPTION TO THE OPERATION OF A VITAL PUBLIC
10 FACILITY OR TO ESSENTIAL INFRASTRUCTURE; AND FOR
11 OTHER PURPOSES.
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Subtitle

15 CONCERNING UNLAWFUL IMPAIRMENT OF OR
16 DISRUPTION TO THE OPERATION OF A VITAL
17 PUBLIC FACILITY OR TO ESSENTIAL
18 INFRASTRUCTURE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-38-101(5), concerning the definition of
24 "vital public facility", is amended to read as follows:

25 (5) "Vital public facility or essential infrastructure" means ~~a:~~

26 (A) Property owned or operated by a public utility or that
27 is used in the generation, delivery, transmission, transportation, or receipt
28 of a public utility's product; or

29 (B) A facility upon which the public relies that is
30 maintained for use for:

31 ~~(A)(i)~~ Public or private communication,
32 transportation, or supply of water, gas, energy, or ~~power~~ electricity;

33 ~~(B)(ii)~~ Law enforcement;

34 ~~(C)(iii)~~ Fire protection;

35 ~~(D)(iv)~~ Civil or national defense; or

36 ~~(E)(v)~~ Other public service.



1 SECTION 2. Arkansas Code § 5-38-101, concerning the definitions used
 2 in conjunction with offenses against property, is amended to add a new
 3 subdivision to read as follows:

4 (6) "Public utility" means the same as defined in § 23-1-101.
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6 SECTION 3. Arkansas Code § 5-38-205 is amended to read as follows:

7 5-38-205. Impairing or disrupting the operation of a vital public
 8 facility or essential infrastructure.

9 (a) A person commits the offense of impairing or disrupting the
 10 operation of a vital public facility or essential infrastructure if, having
 11 no reasonable ~~ground~~ grounds to believe he or she has a right to do so, the
 12 person knowingly causes a substantial interruption, obstruction, damage,
 13 disruption, impediment, or impairment ~~of an~~ to the operation of a vital
 14 public facility or essential infrastructure by:

15 (1) Damaging the property of another person or a public utility;

16 (2) Incapacitating an operator of a vital public facility or
 17 essential infrastructure;

18 (3) Disrupting public utility service to a vital public facility
 19 or essential infrastructure; or

20 ~~(3)(4)~~ Engaging in+

21 ~~(A)~~ A a fight, ~~or~~ violent and tumultuous behavior, ~~or~~

22 ~~(B)~~ Any other conduct that causes a substantial
 23 interruption, disruption, obstruction, damage, impairment, or impediment to
 24 the operation of a vital public facility or essential infrastructure.

25 (b)(1) Except as provided in subdivision (b)(2) or (b)(3) of this
 26 section, impairing or disrupting the operation of a vital public facility or
 27 essential infrastructure is a Class C felony.

28 (2) Impairing or disrupting the operation of a vital public
 29 facility or essential infrastructure under subdivision ~~(a)(3)~~ (a)(4) of this
 30 section is a Class A misdemeanor.

31 (3) Impairing or disrupting the operation of a vital public
 32 facility or essential infrastructure is a Class B felony if, at the time of
 33 and as a result of the commission of the offense, a person who relied on the
 34 vital public facility or essential infrastructure to remain alive died due to
 35 the vital public facility or essential infrastructure not being operational.

36 (c) As used in this section, "vital public facility " includes a

1 county jail, city jail, public detention facility, or temporary holding
2 facility for detained persons.

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4 SECTION 4. Arkansas Code § 5-38-301(a), concerning the offense of
5 arson, is amended to read as follows:

6 (a) A person commits arson if he or she:

7 (1) Starts a fire or causes an explosion with the purpose of
8 destroying or otherwise damaging:

9 (A) An occupiable structure or motor vehicle that is the
10 property of another person;

11 (B) Any property, whether his or her own or property of
12 another person, for the purpose of collecting any insurance for the property;

13 (C) Any property, whether his or her own or property of
14 another person, if the act thereby negligently creates a risk of death or
15 serious physical injury to any person;

16 (D) A vital public facility or essential infrastructure;

17 (E) Any dedicated church property used as a place of
18 worship exempt from taxes pursuant to § 26-3-301;

19 (F) Any public building or occupiable structure that is
20 either owned or leased by the state or any political subdivision of the
21 state; or

22 (G) An area of real property being used for the commercial
23 growth of timber or other agricultural product, if:

24 (i) Timber or other agricultural product is
25 destroyed or made commercially nonviable; and

26 (ii) The value of the destroyed or commercially
27 nonviable timber or other agricultural product is more than five thousand
28 dollars (\$5,000); or

29 (2) Recklessly causes a fire or an explosion in the course of
30 and in furtherance of a felony or in immediate flight after committing a
31 felony that results in destroying or otherwise damaging:

32 (A) Any occupiable structure or motor vehicle;

33 (B) Any property, if the fire or explosion creates a risk
34 of death or serious physical injury to any person;

35 (C) A vital public facility or essential infrastructure;

36 (D) Any dedicated church property used as a place of

1 worship exempt from taxes pursuant to ~~under~~ § 26-3-301; or

2 (E) Any public building or occupiable structure that is
3 either owned or leased by the state or any political subdivision of the
4 state.

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6 SECTION 5. Arkansas Code § 5-38-302 is amended to read as follows:

7 5-38-302. Reckless burning.

8 (a) A person commits the offense of reckless burning if the person
9 purposely starts a fire or causes an explosion, whether on his or her own
10 property or property of another person, and thereby recklessly:

11 (1) Creates a substantial risk of death or serious physical
12 injury to any person;

13 (2) Destroys or causes substantial damage to an occupiable
14 structure of another person; or

15 (3) Destroys or causes substantial damage to a vital public
16 facility or essential infrastructure.

17 (b) Reckless burning is a Class D felony.

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